IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 3640 OF 2005

IN

CIVIL APPLICATION NO. 3798 OF 2004

IN

FIRST APPEAL STAMP NO. 20885 OF 2004

United India Insurance Co. Ltd. ..Appellants

versus

Smt. S. S. Patil & Ors. ..Respondents

Mr. P. M. Shah for the Appellants.

Mr. P. D. Dalvi for the Respondents.

CORAM : D. G. DESHPANDE,J.

DATE : 21ST OCTOBER,2005

P.C. :

1. Heard.

2. Civil Application No. 3640 of 2005 is for setting aside the order of dismissal dated 5.8.2005 passed in Civil Application No. 3798 of 2004. Respondents Advocate has no objection, therefore

this Civil Application is allowed and disposed of. Civil Application No. 3798 of 2004 is restored to file.

3. So far as Civil Application No. 3798 of 2004 is concerned, counsel for the respondents admit that the appellants have deposited the amount in the Tribunal and he has no objection if the stay is continued till the disposal of the appeal. Therefore, stay to continue till the appeal is disposed of. Civil Application is disposed of.

4. Counsel for the respondents prayed that the matter arises out of motor accidents claim and the claimants - respondents be permitted to withdraw the amount. Counsel for the appellants has no objection. Therefore, Respondent No.1 is permitted to withdraw the amount subject to surety or security to the satisfaction of the Tribunal.

21.10.2005 (D.G. DESHPANDE, J.)

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